

Planning and Zoning Commission Meeting

May 21, 2012

1. **CALL TO ORDER:** Chairman Bob Linett called the meeting to order at 7:00pm.
2. **PLEDGE OF ALLEGIANCE & ATTENDANCE:** Commissioners Bob Linett, Jim Koozer, Mike Jeffers, Christine West. Code and Building Administrator Eric Evans, and Town Manager Debbie Botchie.
3. **ADOPTION OF MEETING MINUTES:**
Mike Jeffers motioned to accept the minutes of the April 23, 2012 meeting. Christine West seconded his motion. All present voted in favor. Motion passed unanimously 4 / 0.
4. **NEW BUSINESS:**
 - A. To consider an application for a Conditional Use submitted by Jim and Lynn Rickards, owners of Perucci's Classic Italian Restaurant; property location 35507 Atlantic Ave; Tax Map Parcel 134-12.00-158.00. The applicants are requesting an outdoor dining service area.

Mr. Jim Rickard was present to ask the Planning and Zoning Commission for a conditional use to his restaurant Perucci's for outdoor seating. He said he would like to have an outdoor bistro style seating, cozy and rustic looking with no music. Permission to serve alcohol is currently pending with the ABCC. He feels the setting will look very nice from Route 26 and attract more business.

Mr. Koozer read minutes from a previous meeting and asked if the vegetative border had been planted as requested. Mr. Rickard said the property owner had planted some forsythia along the property line. Mr. Koozer said he was not satisfied with the appearance and still feels something more needs to be done to buffer the residential zone from the commercial zone.

Mr. Jeffers questioned how much land DelDOT would be taking from the front of the property and if there was still sufficient space for outdoor seating. Mr. Evans said DelDOT will be taking some 30 feet for right a way. He said there would be a sidewalk, a five-foot grass strip, and a bike lane between the seating and the road. Mr. Jeffers suggested Mr. Evans check with DelDOT regarding Mr. Rickards request for outdoor seating.

Mr. Koozer questioned if there was enough parking to handle the increased seating. Mr. Evans said he feels there is sufficient parking. Mr. Rickards said he has 17 parking spaces

and an overflow area. Mr. Rickard said his hours of operation were Sunday through Monday 5:00pm to 8:00pm Friday and Saturday 5:00pm to 9:00pm off-season and Monday through Thursday 5:00pm to 9:00pm and Friday, Saturday and Sunday 5:00pm to 10:00pm in-season and he said he has no intention of adding additional hours.

Mr. Linett noted 24 additional seats were in the drawing and suggested limiting the outdoor seating to no more than 30.

Mr. Linett made a motion to recommend to Council they approve subject to the conditions of no music, hours of operation are consistent with what they do now, and have sufficient parking for additional 30 outdoor seating. Mr. Evan will report to Council his findings from DelDOT on the distance between a road and a dining area. Mr. Jeffers seconded. All in favor. Motion passed unanimously 4 / 0.

As far as the landscaping, Mr. Koozer, Mr. Rickards, and Mr. Evans will meet at 10:00am on the property to discuss what is needed to comply with the landscaping agreement of 2008.

5. PROPERTY OWNER/AUDIENCE COMMENTS:

None

6. ADJOURNMENT:

Mrs. West motioned to adjourn the meeting at 7:28pm. Mr. Koozer seconded her motion. All present voted in favor. Motion passed unanimously 4 / 0.

Recorded and transcribed by Donna Schwartz